

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Gill

Group Art Unit: 3763

Serial No. 10/505,240

Examiner: DESANTO, Matthew F.

Filed: 02/22/05

Confirmation No.: 7416

For: CATHETER AND GUIDE TUBE FOR INTRACEREBRAL APPLICATION

Attorney Docket No: 0252.00003

"Do Not Enter"

/MFD/

**DECLARATION**

I, Steven Streatfield Gill, being duly sworn, do hereby state that:

1. I am the inventor of the above-captioned application.
2. I am skilled in the art and have worked extensively in the field of neurosurgery and neurosurgical catheters.
3. Claims 1-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gill and further in view of Eggers, et al. and U.S. Patent No. 6,719,727 to Brimhall, et al.

Neither Gill nor Eggers, et al. disclose each and every limitation of the presently pending claims, i.e. the catheter diameter being 1 mm or less and the stop surface and hub structure.

More specifically, Gill (an earlier patent by myself) discloses placing a 1 mm diameter electrode in the subthalamic nucleus is technically demanding in column 7, but does not disclose any diameter with respect to the guide tube itself. Furthermore, Gill teaches away from a diameter of a guide wire less than 1 mm because it is likely to be deflected from its target by resistance in the tissues and that a larger diameter guide wire is preferred (column 7, lines 36-49). Gill does not disclose a catheter with a fine tube having an external diameter of 1 mm or less. Furthermore, Gill does not disclose a catheter having a stop surface or hub as required in the presently pending claims.

Eggers, et al. includes a fluid path for dispensing a conductive fluid to the region of the brain to be ablated in addition to the electrodes, shown in detail in Figure 2. In other words, Eggers, et al. discloses multiple tubes, whereas the present invention is directed to a single fine tube. The present invention does not